IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3626 OF 2004

IN

CRIMINAL APPEAL NO.1012 OF 2004.

Somnath Dattu Lokhande : Applicant.

versus.

The State of Maharashtra : Respondent.

Mr.Tanaji Mane for the applicant.

Mr.D.R.More, APP, for the State.

CORAM : D.G.DESHPANDE,J.

DATED : 2nd September 2004.

P.C.

1. The appeal of this accused is already admitted. This is an application for bail. The accused has been convicted under Section 304 Part II of the Indian Penal Code and sentenced to suffer R.I. for five years. The case against him is that he gave one single blow of knife on

the stomach of the victim Vikas. However, my attention was drawn by Mr.Mane to Para 29 of the judgment wherein the Court has noted as under:-

> "Initially Vikas took out knife from his pocket and tried to assault on accused No.1 by the knife and the accused No.1 gave a blow of knife on the stomach of Vikas."

2. The learned APP states that only one knife has been recovered in this case and it is not the case of the prosecution that this accused/applicant used any other knife for launching the assault. Apart from this the accused was on bail during trial. Hence the accused/applicant be released on his P.R. bond of Rs.7,500/- with one solvent surety in the like amount. His substantive sentence is suspended, pending appeal. He will pay the fine before he is released on bail.

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